

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing:
Sponsor:
Date: January 28, 2010

EXPLANATION TO COUNCIL BILL NO. 2010 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To amend the Springfield Land Development Code, Zoning Ordinance, Article 1, Division 11, Section 2-1100, Definitions, Regulations for the COM, Commercial Street Zoning District to add a definition for layer; and amending the Land Development Code, Article 1, Zoning Ordinance, Division IV adding section 4-3500, for the purpose of establishing a new zoning district, the COM, Commercial Street Zoning District.

ZONING ORDINANCE TEXT AMENDMENT – Add COM, Commercial Street Zoning District and Define layers

BACKGROUND INFORMATION:

On May 4, 2009 the City Council adopted a resolution establishing a 365 day administrative delay in new construction activity to determine how new construction should be integrated within the Commercial Street area. The Council also named a 16 member task force, to study the issue, hear testimony, and make recommendations to the City Council. The task force held 13 public meetings to hear presentations regarding programs, issues, and financial tools available to the area. The task force also conducted a public forum. At the conclusion of all presentations the task force made eight recommendations for City Council consideration. All eight of the recommendations were accepted by the City Council on January 11, 2010, and the Council further directed staff to initiate a new zoning district. Six of the eight recommendations discussed broad support for *The Commercial Street Strategy for Success*, which had previously been accepted by the City Council in 2005. The task force also recognized that Commercial Street was a unique but fragile area that needed additional and special protection for revitalization to occur. To implement the “*Strategies*” uses and restrictions the task force recommended the creation of a special zoning district, the COM-Commercial Street District. Section 4-3500. The proposed district boundaries would mirror the boundaries of the Tax Increment Financing and Redevelopment Boundaries. The existing Commercial Street Historic District would remain as an overlay district. The proposed district is further divided into two zones one (1) and (2). Zone 1 includes the historic district and includes design guidelines that would integrate new construction with existing contributing buildings in the historical district. The design guidelines proposed in the ordinance would not be required in new construction in Zone 2.

The first floor of buildings in the district would be divided into layers. The front layer would be designated for more active uses that would support the redevelopment strategy. The rear layer could have less intense uses, as could the remaining stories of the building. Any redevelopment project in excess of 10,000 square feet, building projects in excess of three (3) stories and those that might have an impact on existing uses would be required to go through the Conditional Use Permit process.

It is also proposed that Section 2-1100 Definitions of the Zoning Ordinance be amended to add a definition for layer defined as follows:

Layer: a range of depth of a lot within which certain elements are permitted.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on February 18, 2010, and recommended, by a vote of to , of the proposed changes to the Zoning Ordinance described in Attachment A (see the attached Record of Proceedings).

The Planning and Development Staff recommends approval of the proposed amendments (see the attached Zoning and Subdivision Report).

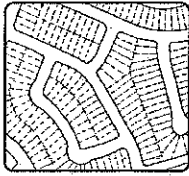
Submitted by:

Michael KMACPHERSON

Approved by:

Planning and Development

City Manager



ZONING & SUBDIVISION REPORT

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

ZONING ORDINANCE TEXT AMENDMENT: COM-Commercial Street Zoning District, and adding a definition for layer

DATE: January 28, 2010

PURPOSE: To amend the Springfield Land Development Code, Zoning Ordinance, Article 1, Division 11, Section 2-1100, Definitions, Regulations for the COM, Commercial Street Zoning District to add a definition for layer; and adding a new subsection 4-3500 for the purpose of establishing a new zoning district, the COM, Commercial Street Zoning District.

RECOMMENDATION:

Staff recommends **approval** of the proposed Zoning Ordinance Text Amendment.

STAFF COMMENTS:

1. The City Council adopted a resolution on May 4, 2009, establishing a 365 day administrative delay in new construction activity to determine how new construction should be integrated within the Commercial Street area. The Council further named a 16 member task force, to study the issue, hear testimony, and make recommendations to the City Council. The task force held 13 public meetings and also conducted a public forum to receive citizen input.
2. The task force made the following recommendations that were unanimously accepted by the City Council on January 11, 2010.
 - a. Re-assign the COP officer to the Commercial Street District as soon as possible.
 - b. The City of Springfield must continue to support the Commercial Street Strategy for Success.
 - c. The City should create a special zoning district and enforce existing ordinances with regard to social service providers.
 - d. The proposed Commercial Street Zoning District should encourage uses supportive of the Strategy for Success and Tax Increment Financing Redevelopment Plan.
 - e. The new zoning district boundaries should match the boundaries of the TIF District.
 - f. Large scale developments exceeding 10,000 square feet within the Commercial Street Zoning District should have a special review process, to reflect impacts, and require the issuance of a conditional use permit.

- g. Define hostels as temporary lodging to include hotels, motels, and inns, and make temporary lodging uses a conditional use in the proposed Commercial Street District.
 - h. A separate task force should be created to study the overall issue of homeless and recommend an action plan.
3. The Commercial Street Administrative Delay Task Force, in the formulation their recommendations, emphasized the importance of creating of a special zoning district recognizing Commercial Street as a unique area in terms of historical and architectural significance, yet fragile and in need of protection balancing uses in the revitalization efforts.
 4. The task force also noted that proposed permitted uses in the Commercial Street Zoning District should be uses as proposed in the *Commercial Street Strategy for Success*. The proposed ordinance promotes “active” uses on the first floor front layer of buildings that have street frontage. Most of the proposed uses are similar to those included in CC-Center City zoning. The first layer is further described as the area that has street frontage and the first 50 feet of depth into the structure. The second layer is the remainder of the first floor and the remaining floors above proposes residential and other “less active” uses.
 5. Projects in excess of 10,000 square feet would require a Conditional Use Permit. The conditional use permit process is relevant because it would gauge the impact of the proposed project with regard to parking and other public infrastructure, existing business, and how the proposed project would integrate with the existing historical and architectural ambience.
 6. The proposed ordinance establishes two zones. Zone One proposes design guidelines that will integrate new construction with the existing historical element. No design guidelines are proposed for Zone 2 as no historical contributing structures exist. This is accomplished by implementing the following building characteristics:
 - Building Facades. All sides of buildings visible to the public, whether viewed from the public right of way or nearby property, shall display a similar level of quality and architectural finish. Two or more of the following design elements must be included for each forty (40) horizontal feet of building façade or wall:
 - a. Changes in color, texture or material.
 - b. Projections, recesses and reveals expressing structural bays, entrances or other aspects of the architecture.
 - c. Grouping of windows or fenestration.
 - d. The building must be built back to the district setback line
 - e. The setback line may include jogs of not more than 18 inches to allow for bay windows, shop fronts and balconies.
 - f. Blank lengths of wall exceeding twenty (20) linear feet or prohibited.
 - g. Fenestration on the upper floors shall comprise at least forty (40) per cent, but not more than ninety (90) per cent of the façade area.

- h. Fenestration on the first floor shall be at least twenty (20) per cent of the façade area, but not more than sixty (60) per cent of the façade area.
 - i. The ground floor shall have at least 12 feet of clear interior height for a minimum building depth of at least twenty-five (25) feet.
 - j. The maximum story height for the ground floor is twenty (20) feet.
 - k. The maximum story height for stories other than the ground floor is twelve (12) feet.
 - Building Materials and Covers
 - a. Metal shall not be used as a primary building cover. Metal trim can be used but not to exceed ten (10) per cent.
 - b. The following exterior finishes shall be allowed on all exterior walls of the building:
 - Customary brick masonry
 - Natural or cast stone
 - Oversized brick
 - Split-faced block
 - Architectural pre-cast concrete
 - Accent materials such as glass block and ceramic tiles
 - c. Façade colors shall have low reflectance. High intensity, metallic, black or fluorescent colors are prohibited.
 - d. The use of galvanized chain link fencing shall be prohibited. The use of vinyl coated chain link fencing shall be allowed in green, black and brown. No fencing shall be allowed in the front yard of the building.
7. To accommodate the use of layers it is proposed that Section 2-1100 of the Zoning Ordinance be amended to include a definition of “layer” as follows:
Layer: a range of depth of a lot within certain elements are permitted.

STAFF CONTACT PERSON:

Mike MacPherson
Principal Planner
864-1198

ATTACHMENTS:

Attachment A - Proposed Zoning Ordinance Text Amendment

ATTACHMENT A
PROPOSED ZONING ORDINANCE TEXT AMENDMENT

Section 4-3500. COM – Commercial Street District.

- 4-3501. **Purpose.** This district is intended to be a mixed-use district that accommodates a variety of residential, commercial, and light industrial uses. It is intended for the older commercial and light industrial areas fronting and adjacent to Commercial Street that tend to accommodate a wide variety of uses. This area initially developed early in the city's history and does not display the characteristics typical of modern suburban development. The City has approved a Commercial Street Redevelopment plan and has approved financing mechanisms to implement that plan. Uses proposed in this district are consistent with the redevelopment strategy. This area is experiencing rehabilitation and redevelopment. This district is intended to accommodate the transition that must occur if this area is to contribute to the vitality of the city while protecting the historic character of the area.

Two (2) sub-zones are established by this Section. The uses permitted in the two districts are the same, but they differ in the design requirements. The COM-1 District is designed to permit new construction that is more compatible with the existing historic buildings within the Landmarks district along Commercial Street. The COM-2 District is designed to allow new construction that is consistent with more recent commercial development along Commercial Street.

4-3502. **Permitted Uses.**

- A. The following uses are permitted on any floor unless the development project is greater than ten-thousand (10,000) square feet in total floor area, which requires a conditional use permit.
1. Accessory Uses, as permitted by *Section 5-1000*.
 2. Athletic clubs, fitness centers, and indoor sports facilities.
 3. Auction sales and flea markets entirely within enclosed buildings.
 4. Automobile parts and accessory stores, including service and repair, when entirely within enclosed buildings.
 5. Banks and financial institutions, including automatic teller machines.
 6. Colleges, universities, and business colleges.
 7. Commercial amusements, including bowling alleys, dance halls, video game arcades, billiard parlors, roller skating and ice skating arenas, and motion picture theaters, excluding drive-in theaters.
 8. Convenience stores.

9. Day care centers in accordance with *Chapter 36, Article XI, Springfield City Code*.
10. Educational, cultural, public, or nonprofit institutions such as museums, art galleries, and libraries, but not including elementary and secondary schools and correctional institutions.
11. Furniture and appliance stores.
12. Glass and mirror sales.
13. Governmental buildings and uses.
14. Offices, administrative, business, finance, and professional.
15. Offices, medical and dental.
16. Emergency shelters and soup kitchens legally conforming at the time of the passage of this ordinance provided that a use permit is obtained for any expansion of said use.
17. Package liquor stores.
18. Pawn shops and second-hand stores.
19. Personal service establishments including beauty parlors, barber shops, dry cleaning and laundry pick-up, shoe repair, self-service laundromats, express or mailing offices and hearing aid and eye glass shops.
20. Police and fire stations.
21. Recording studios.
22. Restaurants, excluding drive-in, vehicular pick-up, and drive-thru facilities.
23. Retail establishments for the following types of uses: Bakery, package liquor, books, candy, dairy products, drugs, groceries, flowers, gifts, jewelry, hobby materials, meat, fish, and poultry, newsstands, wearing apparel, shoes, clothing, toys, pipe and tobacco and video rental.
24. Schools and studios for art, dancing, drama, music, photography, interior decorating, or similar courses of study..
25. Schools, business.
26. Taverns and cocktail lounges.
27. Temporary uses, as permitted by *Section 5-1200*.

28. Catering businesses.

29. Pet stores and pet grooming.

B. The following uses are only permitted above the first floor or in the second layer of the first floor unless the development project is greater than ten-thousand (10,000) square feet in total floor area, which requires a conditional use permit. The second layer is located behind the first fifty (50) feet of lot depth measured from the front of the lot. An entrance and hallway through the first layer to provide access to the second layer or upper floors is permitted.

1. Any commercial establishment that provides supplies and/or services primarily to commercial customers, such as janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
2. Bed and breakfasts.
3. Cultural centers.
4. Commercial off street parking lots and structures.
5. Community center, nonprofit.
6. Medical and dental clinics.
7. Medical and dental laboratories and research facilities, not including the manufacture of pharmaceutical or other products for general sale or distribution, provided no toxic substances, explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, are utilized in the research operations.
8. Office equipment repair.
9. Private clubs and lodges.
10. Repair shops, home appliance.
11. Residential uses.
12. Restricted production and repair establishments (for retail sale on the premises only), including the following types of activities: Custom tailoring and alteration of clothing, jewelry from precious metals, watches, dentures, and optical lenses.

4-3503.

Conditional Uses.

A. The following conditional uses may be permitted provided they meet the provisions of, and a Conditional Use Permit is issued pursuant to, *Section 3-3300* of this Article and the requirements of this *Subsection 4-3503*.

1. Automobile service garages.
2. Automobile service stations.
3. Awning and canvas sales and rental.
4. Banks and financial institutions, including automatic teller machines, with drive-thru facilities.
5. Boarding, rooming, and lodging houses.
6. Bus stations.
7. Churches and other places of worship, including parish houses, and Sunday schools.
8. Convenience stores with gas pumps.
9. Funeral homes and mortuaries.
10. Group homes, custodial.
11. Hospitals with ambulance services as accessory uses.
12. Hotels, motels, and inns.
13. Household resource recovery collection centers, screened from all residential districts and public rights of way in conformance with Section 6-1000.
14. Public service and public utility uses, as follow:
 - a. Tier I wireless facilities in accordance with Section 5-2600.
 - b. Tier III wireless facilities in accordance with Section 5-2600 provided wireless towers sixty (60) feet or greater in height allow collocation of at least one (1) additional provider's facilities.
 - c. Tier IV wireless facilities in accordance with Section 5-2600 provided wireless towers are setback from any residential district at least two (2) feet for every one (1) foot of tower height and allow collocation of at least one (1) additional provider's facilities or at least two (2) additional providers' facilities if the tower height is one-hundred-twenty (120) feet or greater. Repair shops, home appliance, located in the first layer of the floor of

buildings that front on Commercial Street and Boonville Avenue.

- d. Tier V wireless facilities in accordance with Section 5-2600.
- 15. Restaurants with drive in, vehicular pick up, and drive thru facilities.
- 16. Schools or development centers for persons with handicaps or development disabilities.
- 17. Substance abuse treatment facilities for fifty (50) or fewer residents, provided the facility:
 - a. Is located at least two thousand (2000) feet from any other substance abuse treatment facility, or two thousand (2000) feet from any emergency shelter, soup kitchen, transitional service shelter or community corrections facility, as measured from property lines; and
 - b. A plan of operation, including but not limited to: Administration contact information, patron access requirements, hours of operations and security measures, is on file with the City of Springfield Planning and Development Department.
- 18. Television and radio studios with transmitting facilities.
- 19. Towers, other than wireless facilities, and related facilities, in accordance with *Subsection 3-3310.B.1*.
- 20. Warehouses, storage and distribution centers.
- 21. Transitional service shelter.
- 22. The following uses located in the first layer of the first floor of buildings that front on Commercial Street and Boonville Avenue:
 - a. Any commercial establishment that provides supplies and/or services primarily to commercial customers, including janitorial services, sign shops, packaging or shipping service, locksmith or printing, lithographing, engraving, photocopying, blueprinting, publishing and binding establishments.
 - b. Bed and breakfasts.
 - c. Cultural centers.
 - d. Medical and dental clinics.
 - e. Medical and dental laboratories and research facilities, not including the manufacture of pharmaceutical or other products for general sale or distribution, provided no toxic substances,

explosives, radioactive material, highly flammable substances or other materials that pose a threat to public health and safety, due to their quantities or location, are utilized in the research operations.

- f. Office equipment repair.
- g. Private Clubs and lounges.
- h. Residential uses.
- i. Restricted production and repair establishments (for retail sale on the premises only), including the following types of activities: custom tailoring and alteration of clothing, jewelry from precious metals, watches, dentures, and optical lenses.

23. Development projects greater than ten-thousand (10,000) square feet of total building floor area, whether new construction, rehabilitation of an existing structure or a combination of new construction and rehabilitation. A development project is typically a development where the property is under single ownership or management. A development project may include a single use or multiple uses and may be in a single building or multiple buildings, on one (1) lot or multiple lots. The ARC shall determine if a development project with multiple uses meets the criteria to require a conditional use permit. Expansion of a development project, existing at the date of adoption of this district, shall not require a conditional use permit provided the expansion does not involve more than two-thousand (2,000) square feet of total building floor area.

24. Structures greater than three (3) stories in height.

25. A floor area ratio greater than 3.0.

B. In addition to all other requirements for review and approval of a conditional use permit, the following shall apply.

- 1. The proposed use shall generally conform to the goals and policies of the *Commercial Street Strategy for Success* and any other plans or policies in place at the time of approval of the Conditional Use Permit.
- 2. For development projects greater than ten thousand (10,000) square feet, the applicant shall submit plans to provide parking and security for customers / occupants of the development project. City Council may waive the requirement for one or both plans, at the time of approval, if one or both plans are deemed unnecessary.
- 3. The following organizations, and similar organizations that may be formed in the future, shall be notified of a Conditional Use Permit application in conformance with the notification requirements of *Section 3-3800*.

- a. Commercial Club
- b. Commercial Street Community Improvement District Board
- c. Midtown Neighborhood Association
- d. Grant Beach Neighborhood Association
- e. Woodland Heights Neighborhood Association
- f. Urban Districts Alliance

4-3404. **Use Limitations.**

- A. All activities and permitted uses except the following shall be conducted entirely within a completely enclosed building.
 - 1. Off-street parking and loading facilities.
 - 2. Drive-in, pick-up or drive-thru facilities.
 - 3. Automobile servicing, but not repair.
 - 4. Outdoor eating and drinking facilities.
 - 5. Occasional sidewalk sales.
 - 6. Street vendors licensed by the City of Springfield.
 - 7. Playgrounds associated with a school or day care center.
 - 8. Outdoor live or amplified music provided a permit for such activity has been obtained from the City Manager pursuant to Chapter 2, Article I, Section 2.1.8.1, Permits for Outdoor Music and any regulations promulgated by the City Manager and on file with the City Clerk.
- B. No vibration, glare, or heat shall be detectable at the lot line.
- C. No dust, particulate matter, or noxious or toxic matter of any sort shall be emitted or discharged at any time.
- D. All uses shall operate in accordance with the noise standards contained in *Section 6-1500*.
- E. All flammable petroleum products and petrochemicals shall be stored in a fireproof enclosure and no more than fifty (50) gallons of such products shall be so stored except at automobile service stations.
- F. No use shall emit an odor that creates a nuisance as determined by *Chapter 2A, Article X, Springfield City Code*.

- G. Uses on parcels not served by public water and public sewer shall meet the requirements of *Subsection 1-1322*.

4-3405.

Bulk Regulations.

- A. Maximum structure height: Three (3) stories unless a conditional use permit for more stories is approved.
- B. Maximum floor area ratio (FAR): 3.0 unless a conditional use permit for a greater FAR is approved.
- C. Yard requirements (Additional bufferyard may be required by *Subsection 4-3408*):
 - 1. Front yard: None.
 - 2. Side yard: None.
 - 3. Rear yard: None.
- D. Maximum lot coverage: One-hundred (100) percent.

4-3406.

Open Space Requirements. None.

4-3407.

Design Requirements.

- A. A site plan meeting the requirements of *Section 3-3000*, shall be submitted and approved.
- B. If required, a landscape plan, meeting the requirements of *Section 6-1200* and *6-1300*, shall be submitted and approved.
- C. All off-street parking and vehicular use areas shall be screened from all residential uses in accordance with *Section 6-1000*.
- D. Refuse storage areas shall be screened from view in accordance with *Section 6-1000*.
- E. Mechanical and electrical equipment, including air conditioning units shall be screened from view in accordance with *Section 6-1000*.
- F. Lighting shall be designed to reflect away from any adjacent residential area and in accordance with *Section 6-1400*.
- G. Accessory buildings and structures shall meet the requirements of *Section 5-1000*.
- H. The COM-1 District's purpose is to protect the unique nature and architectural character of the existing historic structures, and to protect it from infringing influences that may diminish or dilute the historic ambience. The COM-1 District should also promote new uses and development within the zoning district

that provide an element of consistency and similarity of intensity, use, building heights, and materials used with the existing structures. These elements are described as follows:

1. Building facades. All sides of buildings visible to the public, whether viewed from the public right of way or a nearby property, shall display a similar level of quality and architectural finish. This shall be accomplished by integrating architectural variations and treatments such as windows and other decorative features into all sides of a building design. Two or more of the following design elements shall be incorporated for each forty (40) horizontal feet of a building façade or wall:
 - a. Changes in color, texture, and material;
 - b. Projections, recesses and reveals expressing structural bays, entrances or other aspects of the architecture; or
 - c. Groupings of windows or fenestration.
2. On each lot, the building façade shall be built to the district minimum setback line for at least eighty (80) percent of the street frontage.
3. The building façade shall be built to the district minimum setback line within thirty (30) feet of a block corner.
4. The portions of the building façade required to be built at the district minimum setback line may include jogs of not more than eighteen (18) inches in depth except as otherwise necessary to allow bay windows, shop fronts and balconies.
5. Blank lengths of wall exceeding twenty (20) linear feet are prohibited on all street frontages.
6. Fenestration on the ground floor facades shall comprise a least forty (40) percent, but not more than ninety (90) percent of the façade area, measured as a percentage of the façade between floor levels.
7. Fenestration on the upper floor facades shall comprise a least twenty (20) percent, but not more than sixty (60) percent of the façade area, measured as a percentage of the façade between floor levels.
8. The ground floor shall have at least twelve (12) feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least twenty-five (25) feet.
9. The maximum story height for the ground story is twenty (20) feet.

10. The maximum floor-to-floor story height for stories other than the ground floor is twelve (12) feet.
11. Building materials and colors.
 - a. Metal shall not be used as a primary exterior surface material, except for metal roofs. Metal trim can be used but not to exceed fifteen (15) percent of the exterior surface. The following exterior finishes shall be allowed on all exterior walls of the building:
 - (1) customary brick masonry;
 - (2) natural or cast stone;
 - (3) oversized brick;
 - (4) split-faced block;
 - (5) architectural pre-cast concrete; and
 - (6) accent materials such as glass block and ceramic tiles.
 - b. Façade colors shall have low reflectance. High-intensity, metallic, black or fluorescent colors are prohibited. Natural and recycled materials may be utilized to enhance the building façade and promote sustainable development.
12. The use of galvanized chain link fencing shall be prohibited. The use of vinyl coated chain link fencing shall be allowed in green, black, and brown. No fencing shall be allowed in the front yard of the building.

4-3408. **Bufferyard Requirement.** Whenever any development in the COM district is located adjacent to a different zoning district, screening and a bufferyard shall be provided in accordance with *Sections 6-1000 and 6-1200*.

And to amend the Springfield Land Development Code, Zoning Ordinance, Article 1, Division 11, Section 2-1100 to add a definition for layer as follows:

Layer: a range of depth of a lot within certain elements are permitted.